

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
 v.) Criminal No. 05-30057-MAP
)
)
 DARRYL BURNS,)
 DARRYL MOORER, and)
 NAOMI WATFORD,)
 Defendants.)

PARTIES' JOINT MEMORANDUM
PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, and counsel for the defendants, hereby file their joint memorandum pursuant to Local Rule 116.5(A):

1. There is a need to grant relief from the otherwise applicable timing requirements imposed by L.R. 116.3. The parties are still exchanging and reviewing discovery. New counsel for Mr. Moorer has requested certain eyewitness identification evidence and counsel for Ms. Watford has requested certain impeachment information related to a government witness.

2. The defendants have or will be requesting discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(E). The government has requested reciprocal discovery pursuant to Fed. R. Crim. P. 16(B)(1)(C).

3. Other than the discovery referred to above, the parties do not anticipate providing additional discovery as a result of their future receipt of information, documents, or reports of examinations or tests.

4. The defendants will advise the Court of any need for a motion date to be established under Fed. R. Crim. P. 12(c).

5. The parties agree that all of the time from arraignment to the date of the next status conference should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8). The parties agree that the ends of justice served by excluding this time from the Speedy Trial Act outweigh the best interest of the public and defendant in a speedy trial. The parties agree that this Speedy Trial Act exclusion is appropriate, in part, because:

a. A new Assistant U.S. Attorney has just been assigned to this case. This is the third prosecutor responsible for this case in the last several months.

b. A new attorney has just been appointed for Mr. Moorer, Mark Mastroianni, Esq. Mr. Mastroianni has made a discovery request that the government is researching.

c. The government and the attorney for Ms. Watford have had a discussion about resolving the case. The conversation will continue.

d. Mr. Burns had been scheduled to plead guilty, but was unable to do so and now likely will go to trial.

e. Given the change in attorneys and circumstances, it is in the interests of justice to exclude the Speedy Trial Act time until the next status conference for the parties to resolve

any remaining issues before providing the Court with a final status report.

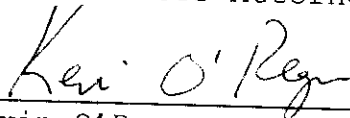
6. A trial for at least one defendant will be required. The trial should take approximately one week.

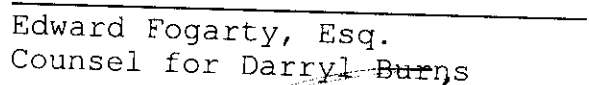
7. The parties recommend that an additional status conference be scheduled in 30 days.

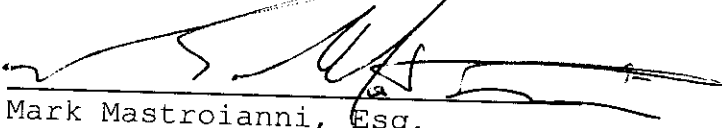
Respectfully submitted,

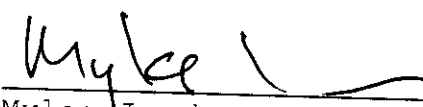
MICHAEL J. SULLIVAN
United States Attorney

by:


Kevin O'Regan
Assistant U.S. Attorney


Edward Fogarty, Esq.
Counsel for Darryl Burns


Mark Mastroianni, Esq.
Counsel for Darryl Moorner


Myles Jacobson, Esq.
Counsel for Naomi Watford

Date: May 18, 2006